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TO

Name: Examiner Patricia L. Hailey
Firm: PTO - Art Unit 1755
Fax No.: 571-273-1369
Phone No.: 571-272-1369
Date: November 7, 2005
Subject: Appln. No. 10/670,600

FROM

Name: James W. Edmondson
Phone No.: (202) 408-4108
Fax # Verified by: K. Foster
Pages (incl. this): 5
Our File No.: 07057.0053

Confirmation Copy to Follow:

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PATENT
Customer No. 22,852
Attorney Docket No. 07057.0053-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hisao KATO

Group Art Unit: 1755

Application No.: 10/670.600

Examiner: Not Assigned

Filed: September 26, 2003

For: FUEL CELL ELECTROCATALYST
AND METHOD OF PRODUCING
THE SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines

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that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 23, 2004

By: 

James W. Edmondson
Reg. No. 33,871

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JWE

PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Hisao KATO

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1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b); and
 2. Form 1449 along with one (1) cited reference.

Dated January 23, 2004

Docket No.: 07057.0053-00

JWE/kas - Mail Drop 1035



Dead line
01-26-04

OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07057.0053	Serial No.	10/670,600
Applicants	Hisao KATO		
Filing Date	September 26, 2003	Group:	1755

U.S. PATENT DOCUMENTS							
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate	
JAA	6,040,077	March 21, 2000	Debe et al.	429	40	01/08/99	

FOREIGN PATENT DOCUMENTS							
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	

Examiner	<i>PMiles</i>	Date Considered	<i>November 7, 2005</i>
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			
Form PTO 1449		Patent and Trademark Office - U.S. Department of Commerce	